

REMARKS

The Examiner has objected to the drawings for failing to include certain reference signs, for failing to show certain reference numerals as referring to the proper elements, and for failure to identify certain figures as "prior art." Each of the Examiner's objections have been addressed in the amendments to the drawings and the enclosed replacement sheets, and reconsideration is respectfully requested.

The Examiner has objected to the specification as failing to provide proper antecedent basis for the "less than four minutes" subject matter of claim 5 and the "rubber contains neither curing agents nor accelerators" subject matter of claim 6. In response, Applicants submit that each of these claims is supported in the specification in the paragraph at page 11, lines 13-27, more particularly, at line 19 and line 24.

In claim 8, the spelling error "stained" has been changed to read "strained."

Claims 9 and 10 have been cancelled. The subject matter of claim 9 is now found in new claim 11, depending from claim 1.

In light of the amendments herein, claim 1 is the only independent claim. The original independent claim 1 was rejected as being anticipated by Meissner '127. Claim 1 is now amended, and Applicant's respectfully request reconsideration of this rejection. Particularly, claim 1 is now directed to a method for conducting a reflected light measurement of the dispersion of fillers in a sample of compounded rubber. The claim now includes a step of reflecting light off of the cut surface of a sample of compounded rubber, wherein the cut surface is created after a step involving subjecting the sample of compounded rubber to a dynamic pulling force and cutting the sample while it is undergoing this dynamic pulling. Meissner cannot anticipate such a claim.

Meissner's device is an instrument designed to measure a physical property. In Meissner, deflection is measured according to Col. 2, lines 35-37, and force is measured according to Col. 2, lines 38-39. Although Meissner's device and method involves cutting a rubber sample, thereby inherently creating a cut surface, there is no teaching or suggestion within Meissner that a cut surface prepared through the Meissner device and method may be used for reflected light measurement analysis of

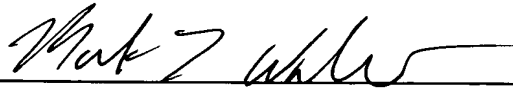
the dispersion of reinforcing fillers therein. It is not clear as to how fillers would react to Meissner's cutting technique. Indeed, Meissner is not at all concerned with the cut surfaces themselves. Rather, Meissner is concerned with cutting a rubber sample at two points so that various physical properties of the rubber sample may be analyzed. Dispersion measurement is the focus of claim 1, and conducting reflected light measurement analysis on a compounded rubber sample prepared and cut according to claim 1 is neither shown nor suggested by any of the prior art.

All other claims depend from claim 1, which, for the reasons provided above, is believed to be condition for allowance. Thus, all claims are believed to be in condition for allowance. But to clear up confusion, the Examiner's concerns with respect to claim 2, and "cutting in air" are specifically addressed.

The Examiner indicated that it would be obvious to cut the sample "in air," as required by claim 2, because Meissner does not mention performing cutting operations in an evacuated system. This is true, but inconsequential. Applicants have sufficiently defined cutting in air at page 10, lines 15-20 of the present application. And this definition encompasses cutting the sample by passing the cutting blade through the sample at a cut line that is suspended in air, as opposed to being placed up against a back plate providing support to the sample. Applicants submit that the claim, when read in light of the specification, is clear, and not obvious in light of the prior art. But if a clarifying amendment is deemed necessary for placing claim 2 in condition for allowance, Applicants would welcome the opportunity to work with the Examiner to amend the claim.

Applicants have endeavored to fully respond to the present office actions, and a Notice of Allowance is earnestly solicited for all pending claims. Should the Examiner wish to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark L. Weber", written over a horizontal line.

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